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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,091	02/27/2004	Pi-Chang Lo		4281

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EXAMINER

DESANTO, MATTHEW F

ART UNIT PAPER NUMBER

3763

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,091

Applicant(s)

LO, PI-CHANG

Examiner

Matthew F. DeSanto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo et al. (USPN 5,993,419).

Lo et al. discloses a coupling structure (70,71) for self-destruction and safety syringe, which provides for implementation in the coupling structure for a plunger (60) of the self-destruction and safety syringe, and is a structural configuration for when the plunger couples with a retaining ring (52), and is primarily characterized in that: a lengthways long slit (72) is configured in an area of a coupling member (70,71), and which provides for a forcedly squeezed deformation allowance spacing when coupling with the retaining ring (see Figure 3); and upon the plunger being mutually coupled with the retaining ring when pushed forward, the lengthways long slit together with the coupling member are able to deform and thus provide for an allowance spacing when forcedly squeezed, and thereby enables the coupling member to more easily and

accurately form a mutual coupling with the retaining ring, and thus accommodate differing coupling forces required by syringes of differing capacity.

With regard to claim 2, the long slit is configured lengthways (as seen in figure 2), and is defined in an area of a stem (73) and the coupling member (70,71), and assumes a non-open state.

The examiner would like to note that the coupling member is the portion that engages the retaining rings, as shown in figure 4. The examiner would also like to clarify his interpretation with regards to the limitations of allowance spacing and the non-open state. The examiner's interpretation is that the coupling structure (70,71) of Lo et al. is in a non-open state because the coupling member must deform in order for the coupling member to be able to enter the space of the retaining ring, therefore when the coupling member "opens" or creates an "allowance space" the coupling member assumes an open state and has enough space to be able to pass through the retaining ring and thus form a mutual coupling with the retaining ring.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Rossi (USPN 5,370,619).

Rossi discloses a coupling structure (108,118,113) for self-destruction and safety syringe, which provides for implementation in the coupling structure for a plunger (106) of the self-destruction and safety syringe, and is a structural configuration for when the plunger couples with a retaining ring (110, 112), and is primarily characterized in that: a lengthways long slit (118) is configured in an area of a coupling member (113), and which provides for a forcedly squeezed deformation allowance spacing when coupling

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with the retaining ring (see Figure 2); and upon the plunger being mutually coupled with the retaining ring when pushed forward, the lengthways long slit together with the coupling member are able to deform and thus provide for an allowance spacing when forcedly squeezed, and thereby enables the coupling member to more easily and accurately form a mutual coupling with the retaining ring, and thus accommodate differing coupling forces required by syringes of differing capacity.

With regard to claim 2, the long slit is configured lengthways (as seen in figure 1, 2, 3), and is defined in an area of a stem (108) and the coupling member (113), and assumes a non-open state.

With regards to claim 3, wherein a perforation is defined in a rubber bulb (124), and provides for a plug member (125) to embed thereinto.

With regards to claim 4, wherein the coupling member assumes a conical form, and is provided with an inclined guide face (see figure 3). Figure 3, shows inclined guide faces, of the notches (112), which forms a conical shape because the notches of Rossi are inclined towards to the needle (109), therefore the notches form a theoretical point in that direction.

The examiner would like to clarify his interpretation with regards to the limitations of allowance spacing and the non-open state. The examiner's interpretation is that the coupling structure (108,113) of Rossi is in a non-open state because the coupling member deforms in order for the coupling member to be able to enter the space of the retaining ring, therefore when the coupling member "opens" or creates an "allowance space" the coupling member assumes an open state and has enough space to be able

to pass the through the retaining ring and thus form a mutual coupling with the retaining ring. This is determined by looking at figure 1-3, and determining that in order for the ends of the 108 (towards the needle) would not be able to move in the longitudinal direction, unless the ends of 108 were deformed because of the notches (112), see figure 3. Therefore, the longitudinal slit (118) allows the spacing for this to occur.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F. DeSanto whose telephone number is 571-272-4957. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick LUCCHESI can be reached on (571) 272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew DeSanto
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March 19, 2006

